

Message

From: Silagi, William [Silagi.William@epa.gov]
Sent: 10/19/2018 6:21:31 PM
To: Pfahles-Hutchens, Andrea [Pfahles-Hutchens.Andrea@epa.gov]; Scarano, Louis [Scarano.Louis@epa.gov]; Courtneage, Robert [Courtneage.Robert@EPA.GOV]; Carmichael, Lea [Carmichael.Lea@epa.gov]
Subject: Canadian regulations on Prohibition of Asbestos and Products Containing Asbestos
Attachments: Canada Gazette - Prohibition of Asbestos final rule (2018).pdf

Attached is the Canada Gazette notice on the final rule for the prohibition of asbestos and products containing asbestos. There are limited exceptions for use chlor-alkali plants, military equipment, and nuclear facilities. Here are some excerpts from the notice:

Roads

Asbestos may be reused in the restoration of asbestos mining sites or in road infrastructure, including mounds and noise barriers, if that asbestos was integrated into road infrastructure before the day on which these Regulations came into force.

With the exception of the re-use of asbestos present in road infrastructure and the transfer of physical possession of asbestos or a product containing asbestos for disposal, these excluded activities are subject to reporting and record-keeping requirements. In addition, the Regulations include labelling requirements for any asbestos imported or used in diaphragms at chlor-alkali facilities during the phase-out period. A statement indicating that no technically or economically feasible or available asbestos-free alternative is required for the time-limited exclusions for the import, sale, and use of products containing asbestos to service military equipment and equipment in a nuclear facility.

Starting January 1, 2023, the Regulations will also include permit provisions for the import and use of replacement parts containing asbestos to service equipment in a nuclear facility and military equipment when no technically or economically feasible asbestos-free alternative is available. Permits issued will be valid for three years and the permit holder will be subject to reporting requirements.

Military equipment and nuclear facilities

The Department of National Defence has indicated that during military operations, it may be challenging to obtain asbestos-free replacement parts. Therefore, the Regulations will provide an ongoing exclusion for the import, sale and use of military equipment (such as aircrafts, ships, submarines, or vehicles) serviced with replacement parts containing asbestos during a foreign military operation if no technically or economically feasible asbestos-free alternative was available. Further, the Department of National Defence as well as nuclear facilities have replacement parts containing asbestos that are no longer being manufactured in their inventories. The equipment is designed to meet highly technical operating conditions. Therefore, the Regulations will include a four-year time-limited exclusion for the import, sale and use of replacement products containing asbestos to service military equipment and nuclear facilities if technically or economically feasible asbestos-free alternatives are not available. After this period, a permit will be required for use, import, or sale of products containing asbestos for these activities. The ESECLR Amendments will also allow the export of replacement parts containing asbestos to service military equipment when no asbestos-free alternative is available.

Replacement parts for nuclear facilities

Comment: Nuclear facilities have highlighted that they have in their inventories replacement parts

containing asbestos that are no longer manufactured. These parts were often manufactured or purchased at the same time as the equipment (i.e. nuclear reactors) and are designed to meet highly technical operating conditions. Nuclear sector stakeholders, and a nuclear sector regulatory agency requested additional time to identify and obtain asbestos-free replacement parts, as well as an exclusion to use or import specific replacement parts containing asbestos, when technically or economically asbestos-free alternatives are not available.

Response: The Department has modified the Regulations to include a four-year time-limited exclusion for the import, use or sale of replacement parts containing asbestos for nuclear facilities. This exclusion requires annual reporting and a statement that no technically or economically feasible asbestos-free alternative was available. After the four-year exclusion, the Regulations include a permitting scheme for the import, use or sale of replacement parts containing asbestos for nuclear facilities. The permitting scheme requires annual reporting and a statement that no technically or economically feasible asbestos-free alternatives are available. The health and safety of workers are protected by provincial and territorial occupational health and safety regulations.

Chlor-alkali facilities

A person may use processed asbestos fibres in diaphragms used in a chlor-alkali facility that is in operation on the day on which these Regulations come into force, and may import them for that use, before January 1, 2030.